

Wholesale Distributors"; (wrapper on cube) "Wholesale Distributors The Andrew Rohan Co., Cincinnati, Ohio."

Misbranding was alleged in that the statements "One Pound Net," borne on the carton, and "4 ounces net," borne on the wrapper, were false and misleading and tended to deceive and mislead the purchasers since the carton and wrapper did not contain 1 pound net and 4 ounces net, respectively, of the article, but did contain less amounts.

Misbranding was alleged in that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package since the statement made was not correct.

On October 17, 1938, the defendant entered a plea of guilty and the court imposed a fine of \$25.

M. L. WILSON, *Acting Secretary of Agriculture.*

**29669. Adulteration and misbranding of vanilla extract. U. S. v. 141 Bottles and 237 Bottles of Vanilla Extract (and 2 other seizure actions against the same product). Default decrees of condemnation and destruction.** (F. & D. Nos. 42971 to 42974, incl. Sample Nos. 3841-D, 3842-D, 5625-D, 5710-D.)

This product was represented to be pure vanilla extract; but examination showed that it was an imitation vanilla extract containing added vanillin and artificial color, and little or no true vanilla. One lot failed to bear on the label a statement of the quantity of contents.

On June 25, 27, and 29, 1938, the United States attorneys for the Northern and Western Districts of Texas, acting upon reports by the Secretary of Agriculture, filed in their respective district courts libels praying seizure and condemnation of 378 bottles of vanilla extract at Fort Worth, Tex., 236 bottles at San Antonio, Tex., and 286 bottles of the same product at Fort Bliss, Tex.; alleging that the article had been shipped in interstate commerce on or about April 5 and May 7, 1938, by the de Calais Laboratoire from New York, N. Y.; and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Perfection Brand Pure Vanilla Extract \* \* \* R. C. Williams & Co., Inc., Distributors New York, N. Y."

Adulteration was alleged in that an artificially colored imitation vanilla extract containing added vanillin and little or no vanilla had been substituted in whole or in part for the article. Adulteration was alleged further in that the article had been mixed and colored in a manner whereby inferiority was concealed.

Misbranding was alleged in that the statement "Pure Vanilla Extract" was false and misleading and tended to deceive and mislead the purchaser when applied to an imitation vanilla extract and in that it was an imitation of and was offered for sale under the distinctive name of another article. Misbranding was alleged further with respect to a portion of the article in that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On October 12 and November 4 and 22, 1938, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

**29670. Misbranding of canned peas. U. S. v. 76 Cases of Peas. Default decree of condemnation. Product ordered delivered to a charitable institution.** (F. & D. No. 43740. Sample No. 26680-D.)

This product was substandard because the peas were not immature, and it was not labeled to indicate that it was substandard.

On September 8, 1938, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 76 cases of canned peas at New York, N. Y.; alleging that the article had been shipped in interstate commerce in part on or about October 13, 1937, and in part on or about June 17, 1938, by the H. J. McGrath Co. from Baltimore, Md.; and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "McGrath's Early June Peas."

It was alleged to be misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture, since the peas were not immature and its package or label did not bear a plain and conspicuous statement prescribed by the Secretary indicating that it fell below such standard.